

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF IOWA**

**RECEIVED**  
SEP 18 2009  
CLERK U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF IOWA

UNITED STATES OF AMERICA, )  
)  
Plaintiff, )  
)  
vs. )  
)  
)  
DELBERT LEE CLAY, )  
)  
Defendant. )

Case No. 3:09 - cr - 00051

**REPORT AND RECOMMENDATION CONCERNING PLEA OF GUILTY**

The United States of America and the defendant, having both filed a written consent, appeared before me pursuant to Rule 11, Fed. R. Crim. P. and L. Cr. R. 11. The defendant entered a plea of guilty to Count(s) 1, 2 and 5 of the <sup>Surrendering</sup> ~~Indictment/Information~~. After cautioning and examining the defendant under oath concerning each of the subjects mentioned in Rule 11, I determined that the guilty plea(s) ~~was~~/were knowing and voluntary as to each count, and that the offenses(s) charged ~~is~~/are supported by an independent factual basis concerning each of the essential elements of such offense(s). I, therefore, recommend that the plea(s) of guilty be accepted, that a pre-sentence investigation and report be prepared, and that the defendant be adjudged guilty and have sentence imposed accordingly.

Date

September 18, 2009

THOMAS J. SHIELDS  
UNITED STATES MAGISTRATE JUDGE

NOTICE

Failure to file written objections to this Report and Recommendation within ten (10) days from the date of its service shall bar an aggrieved party from attacking such Report and Recommendation before the assigned United States District Judge. 28 U.S.C. 636(b)(1)(B).